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Please see attached: Reply Brief

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ho Kee Herbert Law et al.
Serial No.:	10/824,243
Filed:	April 14, 2004
Title:	Combined Joy Pad and Joystick Controller
Art Unit:	2629
Confirmation No.:	6425
Examiner:	Rodney Amadiz
Docket No.:	50T5479.01

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 C.F.R. §41.37

Sir:

This is a reply pursuant to 37 C.F.R. §41.41 in response to the Examiner's Answer mailed on August 21, 2008, in the appeal from the Examiner's decision dated August 17, 2007, finally rejecting Claims 1-5, 7-16, 18-23 and 25-26 of the above referenced patent application. This Reply Brief is filed within two months of the Examiner's Answer. Attached to this Reply Brief is a copy of all the claims involved in this appeal.

I. REAL PARTY IN INTEREST

The statement contained in the Appeal Brief identifying the real party in interest is incorporated herein by this reference.

II. RELATED APPEALS AND INTERFERENCES

The statement contained in the Appeal Brief indicating that there are no related appeals or interferences for this application or any related co-pending applications is incorporated herein by reference.

III. STATUS OF CLAIMS

The statement contained in the Appeal Brief indicating the status of the claims is incorporated herein by this reference.

An Amendment After Final Rejection, canceling Claims 1-5 and 7-9, was filed together with the Appeal Brief on July 21, 2008. Page 3, paragraph (4) of the Examiner's Answer indicates that the AAF was entered, however, the claim rejections set out on page 4 of the Answer includes comments directed to these canceled claims. This Reply Brief is filed to confirm that these claims have now been canceled - and to again request entry of the Amendment After Final filed with the Appeal Brief, canceling Claims 1-5 and 7-9.

Claims 10-16, 18-23, 25 and 26 are pending and stand finally rejected. Claims 10, 12 and 18 are the only independent claims. The rejection of each of the pending claims is appealed. The pending claims are set for in the Claims Appendix in Section VIII of this Brief.

IV. STATUS OF AMENDMENTS

A Final Office Action was mailed on August 17, 2007, finally rejecting Claims 1-5, 7-16, 18-23, 25 and 26. A Notice of Appeal was filed on February 19, 2008. An Amendment After Final Rejection, canceling Claims 1-5 and 7-9, was filed with the Appeal Brief.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The summary of the invention contained in the Appeal Brief is incorporated herein by this reference and adequately describes the claimed subject matter on appeal.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellant presents the following issue for review:

(A) Would the subject matter of appealed Claims 10-16, 18-23, 25 and 26 have been obvious and unpatentable under 35 USC 103(a) to one of ordinary skill in the art at the time the invention was made from the combined disclosures of over Mak (USPGPUB 2004/0085289) and Motoki (US Patent 6,752,758) in view of Fleck (US Patent 6,977,811).

VII. ARGUMENT

Appellant respectfully submits that the rejection of Claims 10-16, 18-23, 25 and 26 (Claims 10, 12 and 18 are independent) is erroneous for the following reasons.

The first Office Action took the position (para 5) that "Mak fails to teach the first type of input comprising *continuous* input", but "it would be obvious...to incorporate the use of an analog joystick as taught by Motoki in the input device taught by Mak in order to provide the device with a greater degree of freedom to function". Applicants respectfully disagree.

First, Mak is directed to displaying two dimensional data on small screen devices (para. [0003]). The joystick of Mak may be moved "in an upward direction" and "as a result, the selection indicator 110 is moved from the current name entry to the previous name entry" (para. [0049].

The Examiner's Answer states that "Mak is silent on the type of joystick being used" (page 13, line 9). However, Appellant notes that Mak relies upon joystick 310 only to display a previous, or subsequent entry in a list of data, or to move left or right to "navigate through the name entries of the data set" (paras. [0040]- [0042]).

Again, Appellant submits that it would not be obvious, in any way to combine the alleged teachings of Motoki (directed to an endoscope apparatus with a "bending drive device with a drive source" for bending a bending portion of the endoscope), based on the alleged reason in the Final Office Action, to provide Mak's device "with a greater degree of freedom to function".

Again, for at least the foregoing reasons, each of independent Claims 10, 12 and 18 is believed patentable over the combined teachings of Mak and Motoki.

Claims12 and 18 were rejected based upon the alleged combined teachings of Mak, Motoki and Fleck.

Appellant respectfully submits that Mak, Motoki and Fleck all fail to teach or even suggest an apparatus, as defined by each of independent Claims 12 and 18, for interfacing with a user, that includes a joystick with a circular top and a joy pad disposed in close proximity to the joystick, wherein the joy pad includes one or more inputs and a circular top having a radius that extends to a beginning of the one or more inputs of the joy pad, whereby a user can *simultaneously* move the joy stick and depress one input of the joy pad with a single digit.

The Examiner's Answer states (page 15) that "the phrase 'extends in radius' is very broad. Fleck clearly shows that the mouse button (Fig. 3, 300) extends in radius to the discrete inputs (302, 304, 406, 308)".

Appellant respectfully disagrees, and again submits that Fleck recites (and shows) only that the right and left arrow buttons "can be positioned several millimeters away from the mouse button 300" which "allows the user to rest his thumb over the mouse button 300, and then actuate the right arrow button 302 or the left arrow button 304 by simply 'rocking' his thumb sideways" (col. 5, lines 13-19), but does not teach or even suggest that the mouse button "extends in radius to the plurality of discrete inputs" (this is not shown in the Figures, nor described in the detailed description of Fleck).

Applicant respectfully directs the Examiner at least to paragraphs [0029]-[0031] of Applicant's specification, as filed, and to Figs. 6-8 as filed, which show a single finger manipulating the joystick and mouse button *simultaneously*.

The mouse 300 in Fig. 3 of Fleck *does **not** – in any way, extend in radius to the right and left or up and down arrow buttons (302, 304, 306, 308).*

For at least the foregoing reason, Applicant respectfully submits that each of independent Claims 10, 12 and 18 is patentable over any permissible combination of teachings of Mak, Motoki and Fleck.

CONCLUSION

For the foregoing reasons, in addition to those set forth in the principal brief, it is respectfully submitted that reversal of the Examiner's rejection of all claims is in order.

Respectfully submitted,

Karin L. Williams Registration No. 36,721

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I hereby certify that this document and any document referenced herein has been transmitted via facsimile to the US Patent and Trademark Office at (571) 273-8300 on October 21, 2008.

Karin L. Williams, Reg. No. 36,721.
(Printed Name of Person Mailing Correspondence)

(Signature)

VIII. CLAIMS APPENDIX

The claims involved in the appeal, Claims 10-16, 18-23, 25 and 26 are reproduced below.

1-9. (Canceled)

10. (Previously Presented) An apparatus for interfacing with a user comprising:

a first manipulandum to provide a first type of input from the user to a computer program, wherein the first manipulandum comprises a joystick and wherein said joystick includes a circular top; and

a second manipulandum disposed in close proximity to the first manipulandum to provide a second type of input from the user to the computer program, wherein the second manipulandum comprises a joy pad,

wherein the joy pad includes one or more inputs, and the circular top has a radius that extends almost to a beginning of the one or more inputs of the joy pad, whereby a user can simultaneously move the joy stick and depress one input of the joy pad with a single digit.

11. (Original) The apparatus according to claim 10, wherein the circular top includes a beveled edge.

12. (Previously Presented) An apparatus for interacting with a computer comprising:

a multifunction switch including a plurality of buttons to accept one or more discrete inputs from the user; and

a joystick input device disposed in close proximity to the multifunction switch to accept continuous input from the user,

wherein the joystick includes a knob disposed on a top of the joystick, said knob having a circular top and extending in radius to the plurality of discrete inputs.

13. (Original) The apparatus according to claim 12, wherein the joystick is disposed in a center of the multifunction switch.

14. (Original) The apparatus according to claim 12, wherein the multifunction switch includes a plurality of discrete inputs disposed in a cross pattern.

15. (Original) The apparatus according to claim 12, wherein the multifunction switch comprises a plurality of discrete inputs disposed in a circular pattern.

16. (Original) The apparatus according to claim 12, wherein the multifunction switch comprises a plurality of discrete inputs disposed in a star pattern.

17. (Canceled)

18. (Previously Presented) A method for interfacing a user and a computer program comprising:

coupling a joystick to a computer interface to provide first input from a user to a computer program executing on a computer;

coupling a joy pad to a computer interface to provide second input from a user to the computer program executing on the computer; and

disposing the joystick in close proximity to the joy pad so that a single user's digit can manipulate both the joystick and one or more buttons or positions on the joy pad,

wherein the joystick includes a knob disposed on a top of the joystick, said knob having a circular top and extending in radius to the plurality of directional inputs.

19. (Original) The method according to claim 18, further comprising:

performing predetermined operations in the computer program from a combination of inputs from both the joystick and the joy pad.

20. (Original) The method according to claim 18, wherein the joystick is disposed in a center of the joy pad.

21. (Original) The method according to claim 18, wherein the joy pad includes a plurality of inputs disposed in a cross pattern.

22. (Original) The method according to claim 18, wherein the joy pad comprises a plurality of inputs disposed in a circular pattern.

23. (Original) The method according to claim 18, wherein the joy pad comprises a plurality of inputs disposed in a star pattern.

24. (Canceled)

25. (Previously Presented) The method according to claim 18, wherein the knob includes a beveled edge.

26. (Original) The method according to claim 18, wherein the joy pad includes a touch pad.

27. (Canceled)

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.